

CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
2ND FLOOR, CITY COUNCIL CHAMBERS
January 30, 2013
5:30 P.M.

MINUTES

The Building & Standards Commission Panel "A" held a public hearing in City Council Chambers, 2nd floor of the City Hall Building on Wednesday, January 30, 2013 at 5:30 p.m. with the following members present:

Board Members Present:

Robert C. Filarski
Paul Gilcrease
Andrew Haggerty
Michael Bray (alternate)
Jesse Sanchez

Others Present:

Karl Rimkus, Code Compliance Manager
John Batoon, Assistant City Attorney
Roger Iveson, Chief Building Inspector
Tom Maguire, Chief Building Inspector
Wayne Fannin, Building Combination Inspector
Nellie Avalos, Building Inspector
Rodolfo Huerta, Building Inspector
Nathan Walsh, Building Inspector
Kevin Harrell, Building Inspector
Diana Cedillo, Senior Office Assistant

Late Members:

Al Jurado 5:46 p.m.

AGENDA

Call to Order

- I. The Building & Standards Commission meeting, Panel "A" was called to order by Chairman Filarski at 5:40 p.m.

Chairman Filarski sworn in all witnesses present to give testimony on the cases heard.

- II. Approval of the November 28, 2012 minutes

Motion made by Michael Bray, seconded by Paul Gilcrease, to approve the November 28, 2012 minutes, unanimously passed.

Regular Items:

- III. Public hearing to determine if the property located at 6016 Redstone Lane, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Michael E. Jones, and he has been notified of this hearing.

Tom Maguire, Chief Building Inspector read the item into record.

Kevin Harrell, Building Inspector, presented the case.

Tom Maguire advises that there is a potential buyer for this property. John Batoon advised the title of the property has not been transferred; therefore, the present owners are still legally responsible for the property.

There was public comment from Mr. Michael E. Jones & Ms. Ingrid Deutch. He advises the board that he and his business partner were unable to install new roofing on the property due to insufficient funds. They were able to get estimates to rehabilitate the property and advised that it would cost approximately \$16,000 to repair the roof. Their home insurance only paid \$2000 for damaged ceiling tiles. Ms. Deutch advised they are in the process of selling property. The couple was still maintaining the property, however, the City of El Paso had gone out there to secure & board the property.

Mr. Filarski stated the first investigation was on November 29, 2006 and asked the owners if they had contacted the City of El Pas since there was no record of them responding concerning the property.

Mr. Jones advised that they would be closing on the property in approximately 2 weeks.

Mr. Filarski advises the owners they have to secure the property within 30 days. Ms. Deutch informed the board that the property will be secured in 30 days. The commission was also informed that property had been secured, except for the roof and there had been an infestation of bees.

Board member Michael Bray questioned the health hazards concerning mold.

Assistant City Attorney John Batoon informed the commission that the bee infestation has been eliminated.

Board member Jesse Sanchez asked when the structure's Certificate of Occupancy was revoked. Inspector Nellie Avalos, Building Inspector, advised the commission that the property was condemned in 2008. Certified letters were sent out to owners but no response was received.

Ms. Deutch advises that the couple was maintaining the property biweekly, but had been advised by the previous board not to secure and board the property.

Board member Mr. Bray advised that there are guidelines that need to be followed upon condemnation of property. The roof needs to be secured and boarded within the thirty (30) days.

Motion made by Michael Bray, seconded by Jesse Sanchez to accept staff recommendations with the modification that instead of demolition, the property be ordered to be secured and maintained secured within thirty days, unanimously carried.

The owner has been notified of the violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structures' certificate of occupancy be revoked; and
4. That the structure can be rehabilitated; and
5. That the structure be secured and maintained within thirty (30) days; and

6. That the holes in the roof system be secured and maintained within 30 days; and
7. That the premises be cleaned and maintained clean of all weeds, trash and debris within thirty (30) days; and
8. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

IV. Public hearing to determine if the property located at 10312 Wilshire Drive, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Ygnacia Ramirez, and she has been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Rudy Huerta, Building Inspector presented the case.

Board member Michael Bray asked if the property can be rehabilitated and asked if the the time frame was 30 days. Tom Maguire stated thirty (30) days is regular time frame.

Board members Paul Gilcrease and Andrew Haggerty asked if there had been any response from owners about the property; and was informed that there had been no response.

Police officer Danny Zamora from the Police Department, NERCC states that he has been out to the property on seven different occasions. The commission was informed that high school students were constantly were getting into the property. Most of the activity came from students after school which posed a major concern.

Board member Paul Gilcrease left the meeting at 6:15 p.m...

Motion made by Michael Bray, seconded by Andrew Haggerty, to accept staff recommendations, unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
 2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 3. That the structures' certificate of occupancy be revoked; and
 4. That the main structure be secured and be maintained secured; and
 5. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 6. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- V. Public hearing to determine if the property located at 2006 Detroit Avenue, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure,

repair, remove or demolish the property. The interested parties have been identified as, Mario Juarez, Jr., and he has been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Nathan Walsh, Building Inspector presented the case.

Board member Michael Bray questioned the chronology of ownership.

Board member Robert Filarski inquired about the two (2) electrical meters located at the rear of property. Tom Maguire, Chief Building Inspector, explained what the use was for the two (2) meters on the rear of the property.

Property owner Mario Juarez Jr., was present for discussion. Mr. Juarez stated that he had purchased the property approximately two (2) years ago from foreclosure. He advised that he was aware of condition of the structure of the property; but wants to bring the property up to standards. The commission was informed that the process of rehabilitating the home had started in May, but since then, Mr. Juarez had not been back to continue working on the property. Mr. Juarez advised he was not aware of the severity on the damage of the home and had just received the notice of hearing one (1) week prior to the meeting. Mr. Juarez asked the commission for an extension of time to bring the structure up to code.

Board member Robert Filarski asked the staff if the structure was repairable. Mr. Maguire advised that the owner will need an engineer's report, along with a complete set of plans with a scope of work to determine if the property was repairable within thirty (30) days.

Board member Mr. Bray asked for proof of financial ability to cover the cost on what the engineer's report would recommend to rehabilitate property. Mr. Maguire stated proof of financial ability is not generally requested, but due to the time frame for rehabilitation. He advised that it would be up to the commission to extend the time frame to ninety (90) days; in which this would be considered a deferred adjudication. Once the time frame expired, City of El Paso can still demolish property.

Board member Mr. Filarski asked Mr. Juarez if he is financially able to repair property, as well as obtaining an engineer's report. Mr. Juarez advised 30 days would not be enough time to repair property. Board member Mr. Bray asked Mr. Juarez what maintenance had been done to the property for the last two (2) years of ownership. Mr. Juarez advised that he invested his funds in his own business; therefore, did not invest on the property.

Assistant City Attorney John Batoon advised the commission, the owner has thirty (30) days to demolish property or provide engineer's plans. Once plans have been provided, the commission can then extend Mr. Juarez's time to rehabilitate for up to ninety (90) days.

Board member Mr. Bray stated that the property owner had not maintained or secured prop in two (2) years. Board member Mr. Filarski asked for verification on the dates the pictures were taken on the property. Nellie Avalos, Building Inspector, advises the pictures were taken one (1) week prior to meeting.

There was public comment from Ms. Maria Elena Peinado, a twenty (20) year resident and neighbor to the property. Ms Peinado stated that the property owner does not up keep the home.

Mr. Juarez again requested more time to rehabilitate the home.

Motion made by Robert Filarski to accept staff recommendations which are thirty (30) days to secure and clean or demolish the property and return to the commission within in sixty (60) days to determine if feasibility of repairs have been made, and an engineer's report has been submitted, and at that time, if no progress, has been made to obtain a building permit and continue the process to demolish.

Motion made by Michael Bray, seconded by Al Jurado to accept staff recommendations, was made. After further discussion, Board member Mr. Bray withdrew his original motion.

Recommendations were made to change the time frame to thirty (30) days to secure and clean, or demolish the property and/or to obtain an engineer's assessment report and obtain a building permit. In addition, the property owner will report back to Commission in sixty (60) days to verify that the board recommendations have been followed and to show if any progress on rehabilitating home has been made. If no progress has been made, then property will be demolished.

Motion made by Robert Filarski, seconded by Al Jurado to accept revised staff recommendations, unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
 2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 3. That the structure's certificate of occupancy be revoked; and
 4. That the structures be boarded up and secured within thirty (30) days; and
 5. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 6. Show cause why structures should not be demolished by obtaining an engineer's report from a licensed engineer registered in the state of Texas, and obtain the required permits by hiring registered contractors and supplying a full set of plans within sixty (60) days;; and
 7. Appear before the same Board panel at its next scheduled meeting with an engineer's report, valid building permits and a report of reasonable progress; and
 8. That all work performed at the property must be done in compliance with all applicable sections of the El Paso City Code and state and federal regulations and statutes;;
 9. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- VI. Public hearing to determine if the property located at 313 N. Carolina Drive, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as Manuel Ramirez, and he has been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Nathan Walsh, Building Inspector, presented the case.

Manuel Ramirez, owner, was present for discussion and advised that he was is in agreement with the demolition and permit process for this property.

Motion made by Andrew Haggerty, seconded by Michael Bray, to accept staff recommendations, unanimously passed.

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
 2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 3. That the structure's' certificate of occupancy be revoked; and
 4. That the structure cannot be rehabilitated; and
 5. That the structure be demolished within thirty (30) days;
 6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- VII. Public hearing to determine if the property located at 7721 Matamoros Drive, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, The Estate of Bennie J. Gilmore and Harold W. Gilmore, and they have been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Wayne Fannin, Building Combination Inspector, presented the case.

Board member Robert Filarski asked if there were three (3) structures on the property; main building, mother in law quarters and accessory building on premises.

Harold Wesley Gilmore, son of property owner Bennie Jean Gilmore; deceased in 2001, was present for discussion. Mr. Gilmore advised that the property has been vandalized. His intention was to rehabilitate the property and is in the process of paying the taxes and obtaining a remortgage loan on the home to make the repairs. Mr. Gilmore advised that he does not want to demolish the accessory structure (shed). He stated that the foundation is solid and can be salvaged. Inspector Fannin, advised that the accessory is collapsing and unsafe; and contained trash, debris, etc. inside the accessory.

Police officer Chris Cordova , MVRCC stated that there have been theft reports, criminal mischief activity, and that the property still remains unsecured to this date.

Board member Mr. Filarski stated that all 3 structures need to be secured and maintained within thirty (30) days. Mr. Gilmore requested a sixty (60) day extension of time to secure the shed. Mr. Filarski questioned the necessity of the 60 day extension of time.

Motion made by Michael Bray, seconded by Andrew Haggerty, to accept staff recommendations, unanimously passed.

1. That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structures' certificate of occupancy be revoked; and
4. That the structure can be rehabilitated; and
5. That all three structures be secured and maintained secured within thirty (30) days;
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

VIII. Adjournment

Motion made to adjourn the meeting by Mr. Haggerty, seconded by Mr. Bray was unanimously carried. The meeting adjourned at 7:35 p.m.

Robert Filarski, Chairman, Panel "A"

Tom Maguire, Deputy Building Official
Code Compliance Division